

Utah Hot Issues July 2015

Issue: Utah Wood Burning

Message:

- EPA appreciates Utah's efforts in addressing the PM2.5 issues in the state through its wood burning program. In 2014 the UT Division of Air Quality was appropriated a one-time fund of \$500,000 to create a public awareness campaign about the effects of wood burning on air quality and a program to convert wood burning stoves that are registered as a sole source of heat to a natural gas or other clean fuel heating source.
- Recently, EPA funds from a settlement agreement could be marked for a woodstove change-out program and OAQPS wanted confirmation from Utah if they would want to be one of the programs to receive it. Utah signified that they would be interested.

Contact: Carl Daly, Air Program Director, 303-312-6416

Background/Status:

Per direction from Governor Gary Herbert, the Utah Department of Air Quality requested from its Air Quality Board in November 2014, approval to obtain public comment on a proposal to implement a wintertime seasonal solid fuel burning ban within the PM2.5 nonattainment areas (Salt Lake, Box Elder, Cache, Davis, Tooele, Utah, and Weber Counties) in order to help bring these areas into attainment with the PM2.5 air quality standard. The ban would be for the timeframe November 1st – March 15th. Based on public comments during the several hearings held throughout the state, the proposal was not well received by the public and was never finalized.

Issue: Utah PM_{2.5} Moderate State Implementation Plan (SIP)

Message:

- Utah will not meet the moderate area attainment date of December 31, 2015 for the Salt Lake 5-county area and the Utah County area.
- These areas will be reclassified to "serious" and Utah will be required to submit a "serious" area attainment SIP for the Salt Lake and Utah areas in late 2017/early 2018 and be in attainment by December 2019. This is in addition to the moderate area SIPs that are required.

Contact: Carl Daly, Air Program Director, 303-312-6416

Background/Status:

Utah submitted revised PM2.5 moderate SIPs (to meet Clean Air Act, Subpart 4 requirements) for the Cache County area, Salt Lake 5-county area and Utah county area in December 2014. The revised SIPs do not meet all of the Clean Air Act requirements, such as reasonable further progress, milestones, reasonably available control technology (for the point sources). We will continue to work with UDAQ in 2015 to revise the SIPs, so they are approvable.

Issue: Uinta Basin Ozone and Oil and Gas Development

Message:

- EPA is working with the state of Utah, the Ute Tribe, BLM, and BIA to achieve emission reductions and consistent emission controls to protect air quality and human health with new and existing oil and gas development in the Uinta Basin.

Contacts:

Phil Strobel, NEPA Program Director, 303, 312-6704

Carl Daly, Air Program Director, 303-312-6416

Background/Status:

The Uinta Basin in eastern Utah has been exceeding ozone standards during winter inversions and may be designated an ozone non-attainment area in 2017. Oil and gas development is the primary source of ozone precursors in the Basin. It is estimated that approximately 75% of the oil and gas sources in the Basin are on the Ute Indian Tribe's reservation. There are approximately 10,000 existing oil and gas wells producing in the Basin. EPA has been focused on developing, with Utah, a comprehensive emissions inventory. EPA is also looking at the available regulatory authorities (e.g. NSPS OOOO, tribal minor NSR, and a potential reservation specific FIP) to control emissions from both new and existing oil and gas sources.

BLM, BIA and the State are authorizing thousands of additional oil and gas wells with some additional controls and emission reductions from existing infrastructure. EPA is trying to assure the mitigation provided is sufficient to protect human health for Uinta Basin residents.

Issue: Utah Regional Haze

Message:

- In June 2015, the Governor of UT submitted a revised Regional Haze SIP to EPA. EPA Headquarters and Region 8 are currently working to closely review the SIP. We expect to propose action later this year.

Contact: Carl Daly, Air Program Director, 303-312-6416

Background

- On Dec 14, 2012, EPA partially approved and partially disapproved UT's RH SIP, which was submitted in May 2011.
- EPA's disapproval of Utah's BART determinations for NOx at several EGUS started a 2-year "clock" for EPA to promulgate a federal plan for the disapproved portions of the state SIP.
- EPA has yet to propose a FIP or approve a SIP and has been sued by WildEarth Guardians, NPCA, and other environmental groups for its failure to do so.
- The June 2015 SIP would require the existing combustion controls at several coal-fired BART-subject EGUs. The SIP is based on an "alternative to BART" and relies on emission reductions (and visibility benefits) from the shutdown of the Carbon power plant, which recently closed for several regulatory/economic reasons. The emissions reductions from the combustion controls in combination with the reductions from the shutdown of Carbon appear to be greater under the alternative than the emission reductions projected from the application of BART.

Issue: Tier 3 Fuel

Message:

- EPA will continue to collaborate with Utah on addressing the moderate area SIP requirements for area refineries that intend to produce Tier 3 fuel.

Contact: Carl Daly, Air Program Director, 303-312-6416

Background/Status: Utah is very interested in early adoption of the Tier 3 fuel standards in the Salt Lake 5-county and Utah County PM2.5 non-attainment areas. Utah included language in its October 2014 proposed moderate area SIPs for the non-attainment areas that would enable area refineries to make changes in order to produce Tier 3 compliant fuel by obtaining permits for

minor modifications. EPA recently released technical amendments to the Tier 3 rule that involve a wide range of corrections and minor adjustments to the regulations for different mobile source categories, but the amendments do not have a significant impact on Utah's interest in early adoption of Tier 3 fuels.

Issue: Mountain Accord Transportation Project

Message:

- There has been impressive coordination among the local, state and federal stakeholders on this project.
- EPA is supportive of the project goals and prepared to work closely with federal, state and local stakeholders as this project moves forward in the NEPA process.

Contact:

Lisa Lloyd, Lead NEPA Reviewer, 303-312-6537

Background/Status: This project is designed to reduce congestion and improve access to the recreation resources in the mountains east of Salt Lake City. The project includes a network of trails and expansion of transit to and between mountain resorts and may involve private and public land use decisions and land exchanges. The Wasatch Mountains are a valuable natural resource and there are potential impacts on this resource from growing population and increasing recreational use. This is a complex, but forward-thinking project that considers transportation, environmental, recreation, and economic concerns and interests.

Note: Because of the sensitive nature of ongoing settlement negotiations, it is recommended this subject is not brought up, only responded to.

Issue: Civil Action by the United States and the State of Utah against Salt Lake County for violations of its MS4 permit

Message:

- EPA and UDEQ inspected this facility and found extensive non-compliance.
- The case was referred to the Department of Justice in September of 2013 and negotiations with the County are ongoing.
- The UDEQ is a co-plaintiff, and discussions between all parties have been productive and significant progress had been made.

Contact:

Gwen Campbell, NPDES & OPA Enforcement Unit Chief, 303-312-6463

Background:

The EPA and UDEQ inspected the Salt Lake County Municipal Separate Storm Sewer System (MS4), which controls the unincorporated county's stormwater, as part of EPA's National Municipal Enforcement Initiative. Widespread non-compliance with the County's MS4 permit was identified. The EPA referred the case to the Department of Justice and the State of Utah joined the EPA as a co-plaintiff. Since March of 2015, DOJ, the EPA, and UDEQ have been negotiating the terms of a consent decree with the County. Discussions have been productive and significant progress had been made.

Issue: Diesel Emissions Reduction Act (DERA) Grants**Message:**

- Since 2012, Utah has been the recipient of \$962,562 in competitive DERA grants and \$425,742 in non-competitive State DERA Grants.

Contact:

Marisa McPhilliamy, Regional Clean Diesel Coordinator, 303-312-6965

Background:**Competitive DERA:**

- FY12: Not selected for funding
- FY13: awarded \$496,562 for 19 long haul trucks with retrofits (18 trucks with DPF, 1 truck with a DOC and 3 of the 18 trucks with DPFs also had an APU) and 2 vehicle (dump truck (diesel to diesel) and short haul (diesel to CNG)) replacements
- FY14: awarded \$500,000 (28 DPFs for 3 long haul trucks and 25 DOT vehicles)

State DERA:

- FY12: \$190,119 for sub award to Utah State University to help replace diesel shuttle bus with CNG shuttle bus, plus DOC's on 20 snow plows
- FY13: \$113,331 for replacement of short haul diesel with CNG and 20 DOC's on snow plows
- FY14: \$122,293 for replacement of 2 school buses and installing 5 DPF's on snow plows